



**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

MALVIN GARNETT, MINOR NCG
PLAINTIFF

CASE NO.: 22-CV- 23543-*ALTMAN*

v.

Leslie Puzo, Diksha Mehan Sharma, Judge George Sarduy,
Priscille Duvalsaint, General Magistrate Carlos Fernandez, Priscille Duvalsaint,
Yasmin Morshedien,
RESPONDENT.

REQUEST FOR EXTENSION AND PROPOSED ORDER

COMES NOW, the Plaintiff, MALVIN GARNETT, by means of pro se, and hereby files this request for extension.

1. In the existence to follow On December 11, 2022, the plaintiff requested from the Judge solution for substitute service and has notified the course with evidence of attempts of service for all parties that were not served at the time Priscille Duvalsaint, Marie Liautaud, and Leslie Puzo Esq.
2. On January 6, 2023 the petitioner sent an conferment of conferral asking if they object to email or mail for service. On January 24, 2023 Leslie Puzo was served she also responded from that email address but not to the waive of service. On January 24, 2023 Priscille Duvalsaint responded from the email address but did not respond to the waive of service. EXHIBIT 1
3. The persons in question to be served is breaking the law. Judge William Haury ordered to follow the law for Priscille Duvalsaint to change her address on drivers license September 21, 2021. The private investigator has stated the Marital home 437 SW 3rd St. #4 Miami, FL 33130 is the address on her license still as of January 14, 2023. He also stated she has an Audi 2022 registered to the marital home as well. The process server on January 24, 2023 by asking building management has stated the address 2321 Laguna Circle Apartment 709 that the parties in question live at the home. The place that has over 10 attempts on the parties and the following persons confirmed live there. The petitioner is requesting for order of extension to serve.

There has to be a steak out by the process server due to the two parties intentionally evading service.

4. On January 26, 2023 5 out of 7 defendants have been served the last two live in the house together. To deny justice the parties are not answering the door and are made aware of the law suit and have seen it by certified mail.
5. To further solidify the targets location, email address on January 20, 2022 were confirmed by Leslie Puzo by filing a motion to withdraw from the family case and it states all the information that the petitioner is stating for service. EXHIBIT 2
6. It seems what has mattered in previous case law is the attempts were late due to negotiating or investigating the case law. In this case has been at least 10 attempts on named person Marie Liautaud and Priscille Duvalsaint.
7. The petitioner has sent certified mail to the following parties for service requesting to waive service with the summons and litigation documents of 52 pages. Service states Your item was delivered to the front desk, reception area, or mail room at 12:26 pm on January 9, 2023 in MIAMI, FL 33181. EXHIBIT 3
8. As certificate of conferral, all parties were asked .

“Asking for defendants positions on motion for extension to serve 2 more parties. Please respond in 24 hours or will believe no opposition to the request.”

Attorneys Leslie Puzo and Diksha Mehan Sharma are objecting to this motion to extension.

Leslie Puzo has stated “ I object to the extension of time.”

Diksha Sharma has stated “I object so please do not certify that there is no objection from our end. Thanks. “

“Respectfully, not sure that we have to provide a reason, but it appears that there has been enough time and extensions given previously already so that would be our reason.”

9. There has not been an extension ever granted in this case regarding attorney Sharma’s statement.
10. This case is of constitutional civil rights that were abused of a minor child and father.

11. Rule 4(f) permits service on an individual, other than a minor, an incompetent person, or a person whose waiver has been filed, at a place not within any judicial district of the United States, by one of three means. Under Rule 4(f)(3), courts can order service through a variety of methods, “including publication, ordinary mail, mail to the defendants last known address, delivery to the defendant’s attorney, telex, and most recently, email,” provided here is no international agreement directly to the contrary. *Rio Props., Inc. v. Rio Intern. Interlink*, 284 F.3d 1007, 1016 (9th Cir. 2002). Multiple forms of alternative service at once are also permissible. *Id.* at 1017. Finally, to comport with due process, “the method of service crafted by the district court must be ‘reasonably calculated, under all the circumstances, to apprise interested parties of the pendency of the action and afford them an opportunity to present their objections.’” *Id.* at 1016-17 (quoting *Mullane v. Cent. Hanover Bank & Trust Co.*, 339 U.S. 306, 314 (1950)). Of the methods Rule 4(f) permits, it “does not denote any hierarchy or preference of one method of service over another.” *Rio Properties*, 284 F.3d at 1015. The petitioner has served by email as well as by mail.
12. The element of Rule 4(f)(3), requiring that service be reasonably calculated to apprise Defendant of the litigation, will also be met. In determining whether a plaintiff has exercised “reasonable diligence,” the court examines the affidavit to see whether the Plaintiff “took those steps a reasonable person who truly desired to give notice would have taken under the circumstances.” *Donel, Inc. v. Badalian*, 87 Cal. App. 3d 327, 333 (1978). The “reasonable diligence” requirement “denotes a thorough, systematic investigation and inquiry conducted in good faith by the party or his agent or attorney.” The petitioner has shown over 10 attempts for service has completed 75 percent of the 5/7 defendants. With good cause the petitioner believes he has met his burden to prove reason for good cause and request motion for extension be granted. There is nothing else that the petitioner could have done differently. If this is denied the Petitioner would request for publication as the final source of service.

WHEREFORE, the Petitioner, MALVIN GARNETT, respectfully requests this Court Grant order of extension for 30 days of the basis of good cause and the effort put forth to serve all parties.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of this Motion was
served on

Priscille Duvalsaint – Marie Liautaud

priscillenoelli@gmail.com

Judge George Sarduy and Carlos Fernandez

Emomotimi.Brisibe@myfloridalegal.com

Leslie Puzo

leslie@puzolaw.com

Diksha Mehan

diksha@dmsharmalaw.com

Yasmin Morshedian

info@ymlegalservices.com

January 27, 2023

Malvin Garnett

Malvin Garnett
437 SW 3rd ST #4
Miami, FL 33130

EXHIBIT 1
EMAILS WORKS AND SERVICE WAS
GIVEN

From: priscillenoelli@gmail.com,
To: bkbridge718@aol.com,
Subject: Physical Exam Updated
Date: Tue, Jan 24, 2023 9:26 pm

Malvin,

Annual Physical Wellness Exam has been completed 1/16/23 . My health insurance covered the visit. The updated School Health Forms have been submitted to KLA since last week to ensure no issues with her attending classes.

Nubia does not have any pending labs nor vaccines to take this year. Her PCP at DR ALVARO J. DANGOND MD PA (Same Pediatrician Office she has attended since birth) notes that her next labs will be taken next year. She has no shots to take since she is already up to date with all of her school mandated immunizations.

She is not on any prescribed medications. She takes multivitamins and probiotics. The other are OTC creams for her skin as needed which the PCP had emailed you and myself since 5/2022. Her allergy list from the labs taken were also provided to you via e-mail last year. If you are in need of another copy you may contact their offices directly for copies of her record.

Thank you,

Priscille

EXHIBIT 2
ATTORNEY STATING EMAIL ADDRESS,
PHONE NUMBER, AND ADDRESS

Filing # 165162564 E-Filed 01/20/2023 04:09:18 PM

**IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT
IN AND FOR MIAMI-DADE COUNTY, FLORIDA**

IN RE: THE MARRIAGE OF
PRISCILLE DUVALSAINT GARNETT,
Petitioner/Former Wife,
and

CASE NO.: 2019-013774-FC-04

MALVIN LEOPOLD GARNETT,
Respondent/Former Husband.

MOTION TO WITHDRAW

COMES NOW, Leslie Puzo, Esq., and moves this Court to Withdraw as Counsel for the Petitioner/Former Wife, PRISCILLE DUVALSAINT GARNETT, and as grounds therefore states:

1. Irreconcilable differences have arisen between undersigned Counsel and the Petitioner/Former Wife.
2. All further pleadings, motions, discovery, any and all other communications concerning this matter should be sent to the Petitioner/Former Wife, PRISCILLE DUVALSAINT at address: 2321 Laguna Circle, Apt. 0709, Miami, FL 33181 and by E-mail: priscillenoelli@gmail.com. Petitioner's Cellphone Number is (516) 298-6060.
3. Undersigned Counsel requests to appear virtually by Zoom for hearing on the Motion to Withdraw.

WHEREFORE, the undersigned counsel, Leslie Puzo, Esq., respectfully requests this court grant this Motion to Withdraw as counsel for the Petitioner/Former Wife, PRISCILLE DUVALSAINT.

[CERTIFICATE OF SERVICE TO FOLLOW ON NEXT PAGE]

Motion to Withdraw
Case No.: 2019-013774-FC-04
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy has been E-filed with the Clerk of Courts and E-served to Respondent/Former Husband, Malvin Leopold Garnett through email at bkbridge718@aol.com and mgarnett305@gmail.com and to the Petitioner/Former Wife, Priscille Duvalsaint, via E-mail at priscillenoelli@gmail.com and via mail to 7980 NW 155th Street, Suite A, Miami, Florida 33016, on this 20th day of January 2023.

PUZO LAW
1175 N.E. 125TH STREET
SUITE 618
NORTH MIAMI, FL 33161
TEL: (305) 428-2220

By: *Leslie Puzo, Esq.*
LESLIE PUZO, ESQ.
FLORIDA BAR NUMBER 19791
LESLIE@PUZOLAW.COM

EXHIBIT 3
CERTIFIED MAIL RECEIPT FOR WAIVE

From: DoNotReply@ereceipt.usps.gov,

To: BKBRIDGE718@AOL.COM,

Subject: USPS eReceipt

Date: Sat, Jan 7, 2023 12:58 pm



FLAGLER MIAMI
500 NW 2ND AVE
MIAMI, FL 33101-9998
(800)275-8777

01/07/2023

12:57 PM

Product	Qty	Unit Price	Price
Priority Mail®	1		\$10.20
Legal FR Env			
Glendora, CA 91741			
Flat Rate			
Expected Delivery Date			
Tue 01/10/2023			
Tracking #:			
9505 5141 9973 3007 6978 26			
Insurance			\$0.00
Up to \$100.00 included			
Total			\$10.20
First-Class Mail®	1		\$3.60
Large Envelope			
Miami, FL 33161			
Weight: 0 lb 10.90 oz			
Estimated Delivery Date			
Mon 01/09/2023			
Certified Mail®			\$4.00
Tracking #:			
70221670000166572961			
Total			\$7.60
First-Class Mail®	1		\$3.60
Large Envelope			
Miami, FL 33181			
Weight: 0 lb 10.90 oz			
Estimated Delivery Date			
Mon 01/09/2023			
Certified Mail®			\$4.00
Tracking #:			
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Total			\$7.60
First-Class Mail®	1		\$3.60
Large Envelope			
Miami, FL 33181			
Weight: 0 lb 10.90 oz			
Estimated Delivery Date			
Mon 01/09/2023			
Certified Mail®			\$4.00
Tracking #:			
70221670000166572992			
Total			\$7.60
Grand Total:			\$33.00
Debit Card Remit			\$43.00
Card Name: VISA			
Account #: XXXXXXXXXXXXX2266			
Approval #: 095612			
Transaction #: 655			
Receipt #: 056548			
Debit Card Purchase: \$43.00			
AID: A0000000980840	Chip		
AL: US DEBIT			
PIN: Verified			
Cash Back			-\$10.00